

Senator Daniel W. Thatcher proposes the following substitute bill:

988 MENTAL HEALTH CRISIS ASSISTANCE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates the Statewide Behavioral Health Crisis Response Account and amends provisions related to the membership and duties of the Behavioral Health Crisis Response Commission.

Highlighted Provisions:

This bill:

- ▶ creates the Statewide Behavioral Health Crisis Response Account;
- ▶ describes the purposes for which the Statewide Behavioral Health Crisis Response Account may be used;
- ▶ amends the membership of the Behavioral Health Crisis Response Commission; and
- ▶ amends the duties of the Behavioral Health Crisis Response Commission.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Legislature - Senate, as a one-time appropriation:
 - from the General Fund, \$1,600;
- ▶ to the Legislature - House of Representatives, as a one-time appropriation:
 - from the General Fund, \$1,600;
- ▶ to the Attorney General - Attorney General, as a one-time appropriation:



- 26 • from the General Fund, \$1,000.
- 27 This bill appropriates in fiscal year 2022:
- 28 ▶ to the Legislature - Senate, as a one-time appropriation:
- 29 • from the General Fund, \$6,400;
- 30 ▶ to the Legislature - House of Representatives, as a one-time appropriation:
- 31 • from the General Fund, \$6,400;
- 32 ▶ to the Attorney General - Attorney General, as a one-time appropriation:
- 33 • from the General Fund, \$3,000.

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **63C-18-202**, as last amended by Laws of Utah 2020, Chapter 303

39 **63C-18-203**, as last amended by Laws of Utah 2020, Chapter 303

40 ENACTS:

41 **26-18-424**, Utah Code Annotated 1953

42 **62A-15-120**, Utah Code Annotated 1953

44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **26-18-424** is enacted to read:

46 **26-18-424. Crisis services -- Reimbursement.**

47 The Department shall submit a waiver or state plan amendment to allow for
48 reimbursement for 988 services provided to an individual who is eligible and enrolled in
49 Medicaid at the time this service is provided.

50 Section 2. Section **62A-15-120** is enacted to read:

51 **62A-15-120. Statewide Behavioral Health Crisis Response Account -- Creation --**
52 **Administration -- Permitted uses.**

53 (1) There is created a restricted account within the General Fund known as the
54 "Statewide Behavioral Health Crisis Response Account," consisting of:

- 55 (a) money appropriated or otherwise made available by the Legislature; and
- 56 (b) contributions of money, property, or equipment from federal agencies, political

57 subdivisions of the state, or other persons.

58 (2) (a) Subject to appropriations by the Legislature and any contributions to the account
59 described in Subsection (1)(b), the division shall disburse funds in the account only for the
60 purpose of support or implementation of services or enhancements of those services in order to
61 rapidly, efficiently, and effectively deliver 988 services in the state.

62 (b) Funds distributed from the account to county local mental health and substance
63 abuse authorities for the provision of crisis services are not subject to the 20% county match
64 described in Sections [17-43-201](#) and [17-43-301](#).

65 (c) The division shall prioritize expending funds from the account as follows:

66 (i) the Statewide Mental Health Crisis Line, as defined in Section [62A-15-1301](#),
67 including coordination with 911 emergency service, as defined in Section [69-2-102](#), and
68 coordination with local substance abuse authorities as described in Section [17-43-201](#), and
69 local mental health authorities, described in Section [17-43-301](#);

70 (ii) mitigation of any negative impacts on 911 emergency service from 988 services;

71 (iii) mobile crisis outreach teams as defined in Section [62A-15-1401](#), distributed in
72 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
73 Administrative Rulemaking Act;

74 (iv) behavioral health receiving centers as defined in Section [62A-15-118](#);

75 (v) stabilization services as described in Section [62A-1-104](#); and

76 (vi) mental health crisis services provided by local substance abuse authorities as
77 described in Section [17-43-201](#) and local mental health authorities described in Section
78 [17-43-301](#) to provide prolonged mental health services for up to 90 days after the day on which
79 an individual experiences a mental health crisis.

80 (3) Subject to appropriations by the Legislature and any contributions to the account
81 described in Subsection (1)(b), the division may expend funds in the account for administrative
82 costs that the division incurs related to administering the account.

83 (4) The division director shall submit and make available to the public a report before
84 December of each year to the Behavioral Health Crisis Response Commission as defined in
85 Section [63C-18-202](#), the Social Services Appropriations Subcommittee, and the Legislative
86 Management Committee that includes:

87 (a) the amount of each disbursement from the restricted account described in Section

88 [62A-15-120](#);

89 (b) the recipient of each disbursement, the goods and services received, and a
90 description of the project funded by the disbursement;

91 (c) any conditions placed by the division on the disbursements from the restricted
92 account;

93 (d) the anticipated expenditures from the restricted account described in this chapter
94 for the next fiscal year;

95 (e) the amount of any unexpended funds carried forward;

96 (f) the number of Statewide Mental Health Crisis Line calls received;

97 (g) the progress towards accomplishing the goals of providing statewide mental health
98 crisis service; and

99 (h) other relevant justification for ongoing support from the restricted account.

100 Section 3. Section **63C-18-202** is amended to read:

101 **63C-18-202. Commission established -- Members.**

102 (1) There is created the Behavioral Health Crisis Response Commission, composed of
103 the following [~~16~~] 25 members:

104 (a) the executive director of the University Neuropsychiatric Institute;

105 (b) the governor or the governor's designee;

106 (c) the director of the Division of Substance Abuse and Mental Health;

107 (d) one representative of the Office of the Attorney General, appointed by the attorney
108 general;

109 (e) one member of the public, appointed by the chair of the commission and approved
110 by the commission;

111 (f) two individuals who are mental or behavioral health clinicians licensed to practice
112 in the state, appointed by the chair of the commission and approved by the commission, at least
113 one of whom is an individual who:

114 (i) is licensed as a physician under:

115 (A) Title 58, Chapter 67, Utah Medical Practice Act;

116 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

117 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

118 (ii) is board eligible for a psychiatry specialization recognized by the American Board

119 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
120 Specialists;

121 (g) one individual who represents a county of the first or second class, appointed by the
122 Utah Association of Counties;

123 (h) one individual who represents a county of the third, fourth, or fifth class, appointed
124 by the Utah Association of Counties;

125 (i) one individual who represents the Utah Hospital Association, appointed by the chair
126 of the commission;

127 (j) one individual who represents law enforcement, appointed by the chair of the
128 commission;

129 (k) one individual who has lived with a mental health disorder, appointed by the chair
130 of the commission;

131 (l) one individual who represents an integrated health care system that:

132 (i) is not affiliated with the chair of the commission; and

133 (ii) provides inpatient behavioral health services and emergency room services to
134 individuals in the state;

135 (m) one individual who represents an accountable care organization, as defined in
136 Section [26-18-423](#), with a statewide membership base;

137 (n) ~~[one member]~~ three members of the House of Representatives, appointed by the
138 speaker of the House of Representatives, no more than two of whom may be from the same
139 political party; [and]

140 (o) ~~[one member]~~ three members of the Senate, appointed by the president of the
141 Senate~~[-]~~, no more than two of whom may be from the same political party.

142 (p) one individual who represents 911 call centers and public safety answering points;

143 (q) one individual who represents Emergency Medical Services;

144 (r) one individual who represents the mobile wireless service provider industry;

145 (s) one individual who represents rural telecommunications providers; and

146 (t) one individual who represents voice over internet protocol and land line providers;

147 (2) On December 31, 2022:

148 (a) the number of members described in Subsection (1)(n) and the number of members
149 described in Subsection (1)(o) is reduced to one, with no restriction relating to party

150 membership; and

151 (b) the members described in Subsections (1)(p) through (t) are removed from the
152 commission.

153 [~~2~~] (3) (a) The executive director of the University Neuropsychiatric Institute is the
154 chair of the commission.

155 (b) The chair of the commission shall appoint a member of the commission to serve as
156 the vice chair of the commission, with the approval of the commission.

157 (c) The chair of the commission shall set the agenda for each commission meeting.

158 [~~3~~] (4) (a) A majority of the members of the commission constitutes a quorum.

159 (b) The action of a majority of a quorum constitutes the action of the commission.

160 [~~4~~] (5) (a) Except as provided in Subsection [~~4~~] (5)(b), a member may not receive
161 compensation, benefits, per diem, or travel expenses for the member's service on the
162 commission.

163 (b) Compensation and expenses of a member who is a legislator are governed by
164 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

165 [~~5~~] (6) The Office of the Attorney General shall provide staff support to the
166 commission.

167 Section 4. Section 63C-18-203 is amended to read:

168 **63C-18-203. Commission duties -- Reporting requirements.**

169 (1) The commission shall:

170 (a) identify a method to integrate existing local mental health crisis lines to ensure each
171 individual who accesses a local mental health crisis line is connected to a qualified mental or
172 behavioral health professional, regardless of the time, date, or number of individuals trying to
173 simultaneously access the local mental health crisis line;

174 (b) study how to establish and implement a statewide mental health crisis line and a
175 statewide warm line, including identifying:

176 (i) a statewide phone number or other means for an individual to easily access the
177 statewide mental health crisis line, including a short code for text messaging and a three-digit
178 number for calls;

179 (ii) a statewide phone number or other means for an individual to easily access the
180 statewide warm line, including a short code for text messaging and a three-digit number for

181 calls;

182 (iii) a supply of:

183 (A) qualified mental or behavioral health professionals to staff the statewide mental

184 health crisis line; and

185 (B) qualified mental or behavioral health professionals or certified peer support

186 specialists to staff the statewide warm line; and

187 (iv) a funding mechanism to operate and maintain the statewide mental health crisis

188 line and the statewide warm line;

189 (c) coordinate with local mental health authorities in fulfilling the commission's duties

190 described in Subsections (1)(a) and (b); and

191 (d) recommend standards for the certifications described in Section [62A-15-1302](#).

192 (2) In preparation for the implementation of the statewide 9-8-8 hotline, the

193 commission shall study and make recommendations regarding:

194 (a) crisis line practices and needs, including:

195 (i) quality and timeliness of service;

196 (ii) service volume projections;

197 (iii) a statewide assessment of crisis line staffing needs, including required

198 certifications; and

199 (iv) a statewide assessment of technology needs;

200 (b) primary duties performed by crisis line workers;

201 (c) coordination or redistribution of secondary duties performed by crisis line workers,

202 including responding to non-emergency calls;

203 (d) establishing a statewide 9-8-8 hotline;

204 (i) in accordance with federal law;

205 (ii) that ensures the efficient and effective routing of calls to an appropriate crisis

206 center; and

207 (iii) that includes directly responding to calls with trained personnel and the provision

208 of acute mental health, crisis outreach, and stabilization services;

209 (e) opportunities to increase operational and technological efficiencies and

210 effectiveness between 9-8-8 and 9-1-1, utilizing current technology;

211 (f) needs for interoperability partnerships and policies related to 911 call transfers and

212 public safety responses;
213 (g) standards for statewide mobile crisis outreach teams, including:
214 (i) current models and projected needs;
215 (ii) quality and timeliness of service;
216 (iii) hospital and jail diversions; and
217 (iv) staffing and certification;
218 (h) resource centers, including:
219 (i) current models and projected needs; and
220 (ii) quality and timeliness of service;
221 (i) policy considerations related to whether the state should:
222 (i) manage, operate, and pay for a complete behavioral health system; or
223 (ii) create partnerships with private industry; and
224 (j) sustainable funding source alternatives, including:
225 (i) charging a 9-8-8 fee, including a recommendation on the fee amount;
226 (ii) General Fund appropriations;
227 (iii) other government funding options;
228 (iv) private funding sources;
229 (v) grants;
230 (vi) insurance partnerships, including coverage for support and treatment after initial
231 call and triage; and
232 (vii) other funding resources.
233 (3) The commission shall:
234 (a) before December 31, 2021, present an initial report on the matters described in
235 Subsection (2), including any proposed legislation, to the Executive Appropriations
236 Committee; and
237 (b) before December 31, 2022, present a final report on the items described in
238 Subsection (2), including any proposed legislation, to the Executive Appropriations
239 Committee.
240 (4) The duties described in Subsection (2) are removed on December 31, 2022.
241 ~~[(2)]~~ (5) The commission may conduct other business related to the commission's
242 duties described in [Subsection (1)] this section.

243 ~~[(3)]~~ (6) The commission shall consult with the Division of Substance Abuse and
244 Mental Health regarding the standards and operation of the statewide mental health crisis line
245 and the statewide warm line, in accordance with Title 62A, Chapter 15, Part 13, Statewide
246 Mental Health Crisis Line and Statewide Warm Line.

247 Section 5. **Appropriation.**

248 The following sums of money are appropriated for the fiscal year beginning July 1,
249 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
250 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
251 Act, the Legislature appropriates the following sums of money from the funds or accounts
252 indicated for the use and support of the government of the state of Utah.

253 ITEM 1

254 To Legislature - Senate

255 From General Fund, One-time \$1,600

256 Schedule of Programs:

257 Administration \$1,600

258 ITEM 2

259 To Legislature - House of Representatives

260 From General Fund, One-time \$1,600

261 Schedule of Programs:

262 Administration \$1,600

263 ITEM 3

264 To Attorney General - Attorney General

265 From General Fund, One-time \$1,000

266 Schedule of Programs:

267 Administration \$1,000

268 (1) The Legislature intends that the above appropriations be used for expenses relating
269 to the Behavioral Health Crisis Response Commission described in Section [63C-18-202](#).

270 (2) Under Section [63J-1-603](#), the Legislature intends that the above appropriations not
271 lapse at the close of fiscal year 2021. The use of any nonlapsing funds is limited to the purpose
272 described in Subsection (1).

273 The following sums of money are appropriated for the fiscal year beginning July 1,

274 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
275 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
276 Act, the Legislature appropriates the following sums of money from the funds or accounts
277 indicated for the use and support of the government of the state of Utah.

278 ITEM 1

279 To Legislature - Senate
280 From General Fund, One-time \$6,400
281 Schedule of Programs:
282 Administration \$6,400

283 ITEM 2

284 To Legislature - House of Representatives
285 From General Fund, One-time \$6,400
286 Schedule of Programs:
287 Administration \$6,400

288 ITEM 3

289 To Attorney General - Attorney General
290 From General Fund, One-time \$3,000
291 Schedule of Programs:
292 Administration \$3,000

293 (1) The Legislature intends that the above appropriations be used for expenses relating
294 to the Behavioral Health Crisis Response Commission described in Section [63C-18-202](#)..

295 (2) Under Section [63J-1-603](#), the Legislature intends that the above appropriations not
296 lapse at the close of fiscal year 2022. The use of any nonlapsing funds is limited to the purpose
297 described in Subsection (1).

298 **Section 6. Effective date.**

299 If approved by two-thirds of all the members elected to each house, this bill takes effect
300 upon approval by the governor, or the day following the constitutional time limit of Utah
301 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
302 the date of veto override.